

Litchfield Planning Board

December 1, 2009

Minutes approved 12/15/09

Members present:

Alison Douglas, Chairman

Edward Almeida, Vice Chairman

Marc Ducharme, Clerk

Jayson Brennen

Leon Barry

Members not present:

Carlos Fuertes

John Miller, Alternate

Steven Perry, Selectmen's Representative

Also present:

Joan McKibben, Administrative Assistant

Steve Wagner, Nashua Regional Planning Commission, Circuit Rider

AGENDA

1. HOME OCCUPATION APPLICATION - Lori Sommer, 38 Stark Lane, Tax Map 10 Lot 2 Family Child Care

2. WORK SESSION - OPEN SPACE SUBDIVISION (Conservation Subdivision)

3. WORK SESSION - INCLUSIONARY HOUSING

4. STAGE CROSSING - HOP BOND AMOUNT

ANY OTHER BUSINESS

- Approval of Minutes

- Correspondence

Chairman Douglas called the meeting to order at 7:04 p.m.

1. HOME OCCUPATION APPLICATION

Lori Sommer, 38 Stark Lane, Tax Map 10 Lot 2, came forward to discuss a family childcare in her parent's residence. She is going to the State to be licensed to care for five

1 to seven children, ages from 3 months and up. The area in question consists of 492 square
2 feet. There will be no signage. All abutters have been notified. The hours of operation has
3 not be firmed up but it is somewhere between 6:30 a.m. to 5:30 p.m. Monday through
4 Friday.

5
6 Mr. Barry asked what her qualifications were. She said that she is a nanny so she has the
7 experience and she has taught preschool at Alvirne High School. She has a BA in
8 Criminal Justice. She told the Board that she might not start the daycare until after July or
9 September. The State has visited the residence and approved her for 6 preschool children
10 and 3 school age children including her son. She would be the only caretaker unless there
11 is a field trip and then there could be one to two employees but only for the trips.

12
13 Chairman Douglas opened the meeting to public comment. Sue Wellman of 36 Stark
14 Lane told the Board she does not have any problem with a daycare but she wants to make
15 sure that down the road there is not another employee added and thus six more kids. She
16 was told that the State determines the amount of children allowed and the next step would
17 be a center consisting of 15 children. There is not enough square footage in the residence
18 to accommodate more children. She said that if that were the case, she would have to
19 open up a center somewhere else but she does not want to take care of 15 children. "I
20 would never do that". Mrs. Douglas expressed concern with her handling that many
21 children by herself. Ms. Sommer replied that she has been doing it for years. The State
22 regulates that she can only have two children under 24 months and two under 36 months.

23
24 She further told the Board there is a fenced in area for the children but she is planning on
25 fencing another area probably in March. The State regulates and requires a fenced area.
26 Talk ensued. She also needs to update the fencing around the pool.

27
28 Public session closed.

29
30 **Acceptance** - Mr. Barry **MOTIONED** to accept the home occupation application of Lori
31 Sommer, 38 Stark Lane, Tax Map 10 Lot 2, for a family childcare. Mr. Ducharme
32 seconded. Motion carried 5-0-0.

33
34 **Approval** - Mr. Almeida **MOTIONED** to accept the home application permit for Lori
35 Sommer for a family childcare at 38 Stark Lane. The hours of operation for the business
36 to be 6:30 a.m. to 5:00 p.m. Monday through Friday. It was seconded. The motion did not
37 indicate approval. Mr. Almeida retracted his motion and the second was retracted. Mr.
38 Almeida **MOTIONED** to approve the application for a family childcare for applicant
39 Lori Sommer, 38 Stark Lane. Hours of operation of the business to be 6:30 a.m. to 5:00
40 p.m. Monday through Friday. Mr. Brennen seconded. Motion carried 5-0-0.

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42 **2. WORK SESSION – CONSERVATION OPEN SPACE DEVELOPMENT**

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44 Town Counsel is reviewing the ordinance and he will be sending his recommendations.

1 He does have a concern with the requirement that all subdivisions would be conservation
2 open space developments. Mr. Wagner said he explained the situation to the lawyer. This
3 was discussed.

4
5 Mr. Wagner said he made the changes talked about at the last meeting. It was agreed
6 there would be one public hearing January 12, 2010. The review of changes continued.

7
8 Yield Plan - Line 4 add *setbacks* after building lots.

9
10 IV. APPLICABILITY

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12 B. 1. c. Delete *on average* and add the word *existing* deeds.

13
14 e. *The subdivision creates five (5) or fewer dwelling units and does not require a road.*

15 Mr. Wagner: The rationale is on 10 acres or more you will have significant open area
16 available because you are not using up any of the ten acres for roads and you have no
17 more than 5 houses so you have a density of 2 acre zoning which is what we have now.

18
19 Mr. Barry: If it is frontage, then they do not need a road; they have individual driveways.

20
21 Mr. Wagner: It is saying if they meet the conditions laid out in e., they do not have to do
22 a conservation subdivision.

23
24 Talk ensued. f. Mr. Wagner: Basically, Workforce Housing would not be part of
25 conservation subdivisions.

26
27 g. Mr. Wagner explained that on the Rodonis site it did not have the pressure to handle
28 sprinkler systems so if the site is not able to be serviced by water, we are saying you have
29 to have water to do a conservation subdivision.

30
31 Mr. Brennen suggested the wording *public water is not available to the site* instead of the
32 public utility cannot provide water.

33
34 D. Review Process: Second paragraph added *strongly* encourages pre-application review.

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36 VI. DIMENSIONAL REQUIREMENTS

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38 C. Design Standards for Developed Areas

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40 2. **Parking** - Changed off-street parking to no *on-street parking*.

41
42 A. 3. **Frontage and Front Setback Buffer**. This needs to be reworded. There would be
43 no buildings the first 150 feet and for 3A it is 250 feet.

1 That last sentence is confusing. It was added because there was talk about pushing it back
2 from 3A. Mr. Ducharme: Are we saying it has to be 400 feet from the river or 150 feet
3 from the river? Mr. Wagner: 150 feet, and 250 feet off 3A. 150 feet is the wooded buffer.

4
5 This was discussed. Line 3 delete *Except for proposed access roads to a COSD*. New
6 paragraph: shall be set *All buildings, structures and parking back a minimum of 150 feet*.
7 Delete *as an undisturbed visual buffer*. Delete *except for NH 3A*.

8
9 Last sentence: Delete *and east*. Delete *Shoreland Protection Act Natural Woodland*
10 *Buffer along* and reword *150 feet from the high water mark of the Merrimack River*.

11
12 Wording for A. 3. **Frontage and Front Setback Buffer**: Minimum frontage for
13 individual building lots is ninety (90) feet on a Class V roadway or higher. Access and
14 frontage to individual lots shall be taken from the proposed road network of the proposed
15 COSD. New paragraph.

16
17 All buildings, structures and parking shall be set back a minimum of one-hundred fifty
18 (150) feet from the edge of all public right-of-ways existing prior to the COSD
19 application. The setback buffer for NH 3A shall be two-hundred fifty (250) feet from the
20 edge of right-of-way. The setback from the Merrimack River shall be a minimum set
21 back of one-hundred (150) feet from the high water mark.

22
23 **4. Side and Rear Setback buffer**. Mr. Ducharme: What I was trying to say was the lots,
24 the individual lots, that are created, the property lines would be 50 feet from the existing
25 property lines to abutters maintaining basically a minimum 50 ft wide open space area
26 between new houses. It would not be a separate lot.

27
28 Mr. Wagner: What I envision is the property lines run right through the abutting property
29 lines you have a 50 foot open space.

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31 Mr. Brennen: Are you saying you do not want any building within 50 feet of the edge?

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33 Talk ensued. Mr. Ducharme drew what he is trying to say.

34
35 Mr. Wagner: If you do a development on 3A, how does the math work out? We are
36 setting aside the open space, plus the fifty (50) feet around it, plus the 150 feet? Mr.
37 Ducharme: You probably need a big lot to make it work out.

38
39 Mr. Brennen: Would you be against someone having a lot going to the edge of the
40 original lot in the open space, bring one of those lots back to the edge of the lot and just
41 not build in that area?

42
43 Mr. Ducharme: So, a building setback then. Mr. Brennen: So, no building within the 50
44

1 feet of the original lot line? What happens if the open space is over to the right?

2
3 Talk continued...Mr. Brennen: You could say 50 feet plus whatever the rear setback is.

4 Mr. Ducharme: That is 70 feet. That is the edge. That is actually what I proposed.

5 Mr. Brennen: And it is 70 feet from the original perimeter of the lot.

6
7 Mr. Ducharme is okay with saying 50-foot setback to adjacent property. He is trying to
8 protect existing lots of record.

9
10 **4. Buffer from Abutting Lots of Record:** Building, structure, roadway, or parking area
11 shall be fifty (50) feet from abutting property line. This is intended to serve as an
12 undisturbed visual buffer.

13
14 **VII. OPEN SPACE REQUIREMENTS**

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16 A. Mr. Ducharme: My only problem is with not more than 30% of the open space shall
17 be wetlands or steep slopes. Mr. Wagner said that Town Counsel said it does not really
18 matter how much is wet or dry. Mr. Ducharme: Remember the total density is maintained
19 by the Yield Plan. So, if there is a huge wetlands that is part of the lot, you are not
20 getting more lots and the only thing we are going to end up is getting that wetlands
21 subdivided off and end up being an unbuildable lot that does not go into conservation.
22 Because what I do is take the total parcel, I figure out how many lots I can build under
23 conventional and adjust it.

24
25 This was discussed. Mr. Ducharme: You do not need 30% because it won't change the
26 number of building lots.

27
28 A. To read: *Open space shall be permanently protected* and delete 30% second sentence.
29 Mr. Ducharme: If we are saying the density is controlled by the conventional subdivision,
30 it will be hard to have that...I do not know if we want to say that. We just want to talk
31 about protection and what we allow and how big it has to be.

32
33 A. *Open space shall be permanently protected* and delete the rest of A.

34
35 Mr. Barry asked who protects the open space. It was said it would be protected by a
36 conservation easement and ownership of the open space. Town Counsel has a problem
37 with town ownership. It was said that a lot of towns do not take ownership of the open
38 space; it is usually deeded to the people in the subdivision. Talk ensued.

39
40 B. Delete all of B. C. is now B.

41
42 D. is C. 4. Delete all of 4.

43
44 E. is D. Change to read *A portion of the designated may be permitted...*

At 8:55 p.m. Mr. Brennen left the meeting.

F. Last sentence where it says *conservation easement* add **or** *management plan*.

3. WORK SESSION - INCLUSIONARY SUBDIVISIONS

475.3.2 - Permitted Uses: 1.i., 2.i, and 3.i, in each one where it says Charles Bancroft Highway after the parentheses strike the word **and** in each one.

Second sentence, it was agreed to say pre-site built (modular). In the last sentence Manufactured Homes change to *Manufactured housing* and strike (*ineligible for incentives*). Talk went on as to the appeal process and definitions.

475.5.1 Tract Size - After discussions it was agreed 475.5.1 to read: *A site plan or subdivision plan on a minimum of three (3) acres.*

Talk went on as to one-way streets and width of the road, which may be a problem with the Fire Department.

475.7.0 ASSURANCE OF CONTINUED AFFORDABILITY

Talk went on as to 30 years and changing it to ownership 10 to 15 years would be reasonable. The last part that talked about maximum units allowed was deleted.

Mr. Wagner will make the changes discussed. It was agreed to check with the Fire Chief regarding the road width of twenty (22) feet.

4. ROAD BOND

Old Stage Road/Concord Coach Lane - Mr. Barry **MOTIONED** to approve \$86,000 for the maintenance bond for Stage Road and Concord Coach Lane for Lamontagne Development. Mr. Ducharme seconded. Motion carried 4-0-0.

Annandale Fields - A letter from Lou Caron was read. Mr. Ducharme said that the Board should go with what Lou is saying. The developer should come in for a site plan revision because there is an issue with driveways on the north side and some of the houses may be to be raised higher.

It was said to have Lou mark up the plans showing the changes and have him meet with the Board along with the developer and their engineer. Their engineer should submit a new set of plans and a grading plan. Also, the Board wants to see what plans the developer was working from because there may have been a wrong set.

ANY OTHER BUSINESS

Minutes - Mr. Barry **MOTIONED** to accept the minutes as amended for November 3, 2009. Mr. Almeida seconded. Motion carried 2-0-2.

Chairman Douglas **MOTIONED** to accept the minutes of November 17, 2009 as drafted. Mr. Almeida seconded. Motion carried 2-0-2.

There being no further business, Mr. Barry **MOTIONED** to adjourn the meeting. Mrs. Douglas seconded. Motion carried 4-0-0. The meeting adjourned at 10:00 p.m.

Alison Douglas, Chairman

Edward Almeida, Vice Chairman

Marc Ducharme, Clerk

Jayson Brennen

Leon Barry

Lorraine Dogopoulos
Recording Secretary
(transcribed from tapes)